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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,383	02/23/2004	Edward Michael Silver	0201-02528	8406
36192	7590	09/20/2005	EXAMINER	
CANTOR COLBURN LLP 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002			BLOUNT, ERIC	
			ART UNIT	PAPER NUMBER
			2636	
DATE MAILED: 09/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/784,383

Applicant(s)

SILVER ET AL.

Examiner

Eric M. Blount

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 12-17 is/are rejected.
- 7) ☒ Claim(s) 10 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04012004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1- 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bide [U.S. Patent No. 6,470,264].

Regarding **claims 1 and 6**, Bide teaches a method for identifying a location comprising:

- a. Providing a viewing apparatus that enables a user to have a view of his or her surroundings and to select a location from the view of the surroundings for identification (column 3, lines 5-10 and 57-60). Bide shows that a user may select a location by blinking his or her eyes.
- b. Causing the viewing apparatus to transmit location information regarding the location as selected by the user identification (column 2, lines 30-37). The location information is transmitted to a central processing unit.
- c. Providing a location identification device operative to receive the location information, to use the location information to determine identification information for the location and to transmit the identification information to the viewing apparatus (column 3, lines 40-60 and column 4, lines 54-58).

d. Causing the viewing apparatus to display the identification information on the view of the surroundings (column 3, lines 58-60, column 4, lines 41-58, column 5, lines 30-35 and 47-62).

As for **claim 2**, causing the viewing apparatus to transmit the location information regarding the location as selected by the user for the identification comprises causing the viewing apparatus to transmit orientation information regarding the location as selected by the user for identification (column 3, lines 10-23 and 34-40).

As for **claims 3 and 7**, causing the viewing apparatus to display the identification information comprises causing the viewing apparatus to display the identification information in association with the location on the view of the surroundings (column 4, lines 61-65). Bide discloses that information may be provided to a user in plain text. It is inherent that when viewing the information through eyeglasses that the text information be in association with the selected location.

Regarding **claims 4-5 and 8-9**, Bide discloses that identification information can comprise an address and/or telephone number (column 6, lines 18-27).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bide as applied to the claims above in view of Hakala et al [U.S. Patent No. 6,452,544].

Regarding **claim 12**, Bide suggests, but does not specifically disclose that a location may be determined to be a specified distance from a user. In an analogous art, Hakala discloses a system for identification of a location wherein identification information may be displayed in a user's field of view (Figure 1A and column 4, lines 37-62). Hakala teaches that the system may provide identification information to a user as a user comes within a range of a location (point of interest). The identification information may be displayed to the user (column 9, lines 1-26). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to modify the Bide invention to include the concept of automatically providing identification information as a user comes within a range of a point of interest. This would have been an obvious modification because it would provide a system for identifying locations or points of interest that requires little or no interaction from a user in order to obtain identification information. This type of system would be advantageous in tourist and educational attractions.

As for **claim 13**, both Bide and Hakala disclose that identification information may be displayed in association with the location on the view of a user's surroundings (see claims above).

As for **claims 14 and 15**, both references teach that a plurality of types of information could be provided as identification information (Hakala, column 9, lines 55-60 and Bide, column 6, lines 18-27).

As for **claims 16 and 17**, it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that the system must determine that the location and orientation in the view is within a specified distance from the user. This is obvious because information is retrieved automatically. Bide shows that location information and orientation are used to identify the identity of the location. If a location is outside of an operable range for retrieving information for that location, identification information will not be retrieved.

Allowable Subject Matter

5. **Claims 10 and 11** are objected to as being dependent upon a rejected base claim, but it appears that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. All cited references, not used in a prior art rejection teach identification and location systems that were known in the art at the time of the invention by the applicant.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is (571) 272-2973. The examiner can normally be reached on 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric M. Blount
Examiner
Art Unit 2636



JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600